



## POLICE DEPARTMENT

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In the Matter of the Disciplinary Proceedings :  
- against - : FINAL  
Police Officer Yusuf Sezen : ORDER  
Tax Registry No. 935726 : OF  
Housing PSA 4 : DISMISSAL  
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Police Officer Yusuf Sezen, Tax Registry No. 935726, having been served with written notice, has been tried on written Charges and Specifications numbered 2020-22447, as set forth on form P.D. 468-121, dated September 13, 2020 (amended on September 19, 2022), and after a review of the entire record, Respondent is found Guilty.

Now, therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Police Officer Yusuf Sezen from the Police Service of the City of New York.

  
KEECHANT L. SEWELL  
POLICE COMMISSIONER

EFFECTIVE:



POLICE DEPARTMENT

November 18, 2022

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In the Matter of the Charges and Specifications	:	Case No.
- against -	:	2020-22447
Police Officer Yusuf Sezen	:	
Tax Registry No. 935726	:	
Housing PSA 4	:	

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At:	Police Headquarters One Police Plaza New York, NY 10038
Before:	Honorable Paul M. Gamble Assistant Deputy Commissioner Trials

APPEARANCES:

For the Department:	Emily Collins & Gina Dieckmann, Esqs. Department Advocate's Office One Police Plaza New York, NY 10038
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For the Respondent:	Roger Blank, Esq. 136 Madison Avenue, 6 <sup>th</sup> Floor New York, NY 10016
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To:

HONORABLE KEECHANT L. SEWELL  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NY 10038

## CHARGES AND SPECIFICATIONS

1. Said Police Officer Yusuf Sezen, while on duty and assigned to the 41st Precinct, on or about October 21, 2019, in Bronx County, engaged in conduct prejudicial to the good order, efficiency, or discipline of the Department, to wit: Said Police Officer Sezen inappropriately touched the breasts and buttocks of a woman known to the Department. *(As amended)*

P.G. 203-10, Page 1, Paragraph 5

PUBLIC CONTACT –  
PROHIBITED CONDUCT

2. Said Police Officer Yusuf Sezen, while on duty and assigned to the 41st Precinct, on or about October 21, 2019, in Bronx County, was absent from said assignment without permission or police necessity, to wit: Said Police Officer Sezen went to the home of a woman known to the Department and did not return to his post for the remainder of his tour.

P.G. 203-05, Page 1, Paragraphs 1 & 2

PERFORMANCE ON DUTY

P.G. 206-03, Page 1, Paragraph 1

ABSENT FROM POST OR  
ASSIGNMENT

3. Said Police Officer Yusuf Sezen, while on duty and assigned to the 41st Precinct, on or about October 22, 2019, was absent from said assignment without permission or police necessity, to wit: Said Police Officer Sezen failed to return to his command after his Medical Division appointment. *(As amended)*

P.G. 203-20, Page 1, Paragraph 1

AUTHORIZED LEAVE

P.G. 203-05, Page 1, Paragraphs 1 & 2

PERFORMANCE ON DUTY

P.G. 206-03, Page 2, Paragraph 35

THEFT OF TIME

## REPORT AND RECOMMENDATION

The above-named member of the Department appeared before me on September 27, 2022, and October 17, 2022. Respondent, through his counsel, pled Guilty to Specification 2 and entered a plea of Not Guilty to Specifications 1 and 3. The Department called Complainant<sup>1</sup>,

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<sup>1</sup> Complainant is a pseudonym for the complainant, whose identity is known to the Tribunal.

Lieutenant Ana Rivera, Lieutenant Stavros Spanos, and Detective Jonathan Dellamonica as witnesses. Respondent testified on his own behalf. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review. Having reviewed all of the evidence in this matter, I find Respondent Guilty of the charged misconduct and recommend that he be dismissed from the Department.

### ANALYSIS

Respondent first met Complainant on October 14, 2019, when she went to the 41st Precinct to make a report about her mother's death in the Dominican Republic. When she met Respondent, Complainant was 65 years-old and divorced. Respondent spoke with her and gave her his work cell phone number. The two began to communicate via text message. The conversations became more personal and flirty, and eventually switched to Respondent's personal phone. Complainant testified that she was lonely at the time, was looking for a friend, and thought Respondent could fulfill that role. She explained she endured physical abuse during her 20-year marriage with her ex-husband and, as a result, developed coping mechanisms to handle it (T. 29, 35, 37-38, 43, 45).

A week later, Respondent went to Complainant's home during his tour. Complainant believed they would have a conversation about her mother, but Respondent sexually assaulted her instead. Complainant testified credibly to the events that transpired that evening. She explained that when he arrived, he immediately grabbed her into a hug and began to kiss her. She then proposed a massage to distract him, as she had used this tactic in the past to deter her ex-husband (T. 46, 48, 53-55).

While Complainant lay on the floor on her back, he began to massage her feet and lick her fingers and toes. He then began to touch her neck and fondle her breasts. She explained that she was pushing Respondent away with her hands as he massaged her over her clothing and that

she pushed him away as he tried to remove her dress. Respondent then sat down for his massage, took his shirt off, opened his pants, and began to masturbate. While he was masturbating, he put his right hand down the back of Complainant's dress and began to touch her along her back and down to her buttocks, where he touched her over her underwear on her anus (T. 56-57, 64-65, 68-70).

She testified that she felt "his finger pressure because he pushed it in order to enter it ... but it did not enter because the panties were there" (T. 70). She illustrated for the Tribunal that she was shifting her weight and squirming around in the seat while he was touching her, and repeatedly told him "Stop, you did not come up here for that" (T. 73-74). Respondent then grabbed Complainant's right hand, placing it on his penis to assist him in masturbating. She explained it put her in a "very awkward position," so she switched to her left hand and "help[ed] him so that he would finish, get it over with and leave my house" (T. 77). He then ejaculated on himself, and called the Precinct to ask an officer to sign him out (T. 78).

Complainant testified that she sent a text message to Respondent on October 22, in which she told him goodbye and called him out on his inappropriate behavior towards her (T. 90-94; *see* Dept. Ex. 2, p. 26). She wrote:

"Dear Officer Sezen. This is to say goodbye. The way you treated me was a failure, you showed me only ordinary, no care, no consideration, neither respect. You met the wrong person. Your performance was good for another type of easy woman which you know who. That is not me. I deserve love, care, protection and respect. You just wanted solutions and satisfaction of your personal needs. Mine didn't count. You came to use me a merchandise. You're the wrong person for me. I am a decent woman and I recovered and suffered domestic violence. You're not good!"

(Dept. Ex. 2, p. 26).

In response, Respondent wrote, "I can't believe lost my control over happened there [sic]. I felt so bad after left your house.[sic] And I hated myself. I wasn't thinking take advantage what

happened to u. I know u would not believe me. Again I am so so sorry. For my behavior over you in happened that nite [sic]" (Dept. Ex. 2, p. 27).

Complainant made efforts to report Respondent's behavior. She called the CCRB the next day, on October 22, 2019, and informed them of what had transpired between her and Respondent. Two days later, she encountered an officer from the Yankee Stadium precinct and explained to him what had happened with Respondent and how she had not heard back from the CCRB. The officer brought Complainant to the Yankee Stadium stationhouse, where she spoke with Lieutenant Ana Rivera and reported Respondent's conduct (T. 84-87). Complainant gave her phone to the police on October 25, 2019, from which Lieutenant Spanos sent controlled texts to Respondent (T. 191-93; *see* Dept. Ex. 2, pp. 27-29; Dept. Ex. 3).

Respondent, in his testimony, denied Complainant's account of what occurred. Instead, he claimed that he went to Complainant's apartment, and they argued because he told her she needed to contact a lawyer in the Dominican Republic. He stated that he only apologized to get her off his back and because he made her cry when he "lost control" by yelling at her (T. 275-76, 281-82, 316-17, 340). Respondent admitted to not taking lost time on October 21, 2019, and calling to have someone sign him out at the end of his tour (T. 333-34).

### *Credibility*

I credit the respective testimonies of Lieutenant Rivera, Lieutenant Spanos, and Detective Dellamonica as disinterested witnesses who testified to the information they gathered from witnesses and evidence they obtained through various means in their roles as investigators.

I credit Complainant's testimony as forthright, logical, and credible under the totality of the circumstances. I had the opportunity to observe her demeanor as she testified, and I am confident that she made sincere attempts to be candid with the Tribunal. Although she appeared to have some gaps in her recollection, her explanations were plausible and not evasive when

challenged on cross-examination. Before this Tribunal, her testimony was more believable on the material issues of fact than Respondent's denials.

Respondent's testimony regarding the events of that night was incredible and illogical. First, his assertion that nothing occurred and that Complainant's accusation was a fabrication was absurd, on its face. Second, if Respondent, on October 21<sup>st</sup>, had only told Complainant to contact someone in the Dominican Republic to inquire about the circumstances of her mother's death, there would be no reason for him to apologize profusely on October 22<sup>nd</sup> for doing so in response to the text message she sent him. Similarly, if nothing that Complainant testified occurred in her apartment had actually transpired, it makes no sense that Respondent would not correct the narrative in response to the controlled text messages Lieutenant Spanos sent him on October 25<sup>th</sup>, all of which were opportunities to either provide incriminating responses or refute the proffered scenario. Respondent's replies stand as powerful evidence of his consciousness of guilt for the sexual misconduct he committed inside Complainant's apartment.

*Specification 1: Sexual Assault*

I find that the Department Advocate has met her burden of proof by a preponderance of the credible, relevant evidence that Respondent inappropriately touched Complainant's breasts and buttocks. I further find that such conduct was to the prejudice of good order, discipline, and efficiency in this Department.

The record establishes that Respondent went to the apartment of a civilian while on duty and attempted to engage in sexual activity with her. I credit Complainant's testimony that she acquiesced in certain physical and sexual acts to dissuade Respondent from escalating the assault and raping her. I find further that she had a reasonable fear of a violent sexual assault and her apparent acquiescence was not tantamount to voluntary consent.

It is indisputable that an unwelcomed sexual encounter between a Member of Service and a civilian is prejudicial to good order and discipline. When this Tribunal considers that Respondent engaged in this behavior within one week of meeting Complainant and did so while still on duty, there is no logical conclusion to reach but that his behavior flies in the face of every norm of decency and honorable conduct held by this Department.

Based upon the foregoing, I find Respondent Guilty of Specification 1.

*Specification 2: Failure to Request Authorized Leave*

Respondent pled guilty to this Specification; in accordance with his plea, I find him Guilty of Specification 2.

*Specification 3: Failure to Return after Medical Division Appointment*

I find that the Department Advocate has met her burden of proof by a preponderance of the credible, relevant evidence that Respondent was absent from his assignment without permission or police necessity, in that he failed to return to command after a Medical Division appointment.

Respondent's tour on October 22, 2019, was 0600 by 1435 hours. Respondent had an appointment with the district surgeon at Lefrak Plaza East at approximately 0700 hours and left that appointment at 0950 hours. Respondent submitted a Leave of Absence report for 1215 hours until the end of his tour at 1435 hours but failed to account for the time between 0950 and 1215 hours. Respondent testified that the trip between Lefrak Plaza East and the 41st Precinct could take up to two hours, so he needed to take lost time. In his Departmental interview, he told investigators he called for lost time from his house, and when asked if he called for lost time from home to save time in his leave bank, he responded: "yes" (T. 216-17, 270, 335-37).

Based upon the foregoing, I find Respondent Guilty of Specification 3.



## PENALTY

In order to determine an appropriate penalty, this Tribunal, guided by the Department's Disciplinary System Penalty Guidelines, considered all relevant facts and circumstances, including potential aggravating and mitigating factors established in the record. Respondent's employment record was also examined (*see* 38 RCNY §15-07). Information from his personnel record that was considered in making this penalty recommendation is in an attached memorandum.

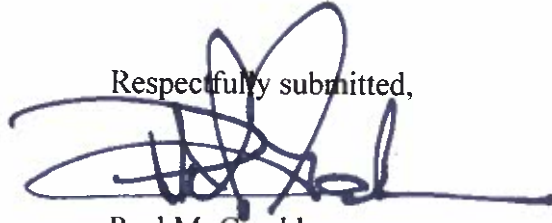
Respondent, who was appointed to the Department on July 1, 2004, has been found Guilty of sexually assaulting Complainant; being absent without leave during his tour of duty on October 21, 2019; and failing to return from a Medical Division appointment on October 22, 2019. The Department has recommended termination; I agree with this recommendation. Respondent has a formal disciplinary history.

Respondent has been found guilty of shocking professional and sexual misconduct. He abused the trust reposed in him by this Department and violated his oath of office. Respondent's misconduct was such a gross deviation from the standards of conduct expected from Members of Service that his continued employment by this Department would only operate to erode the fragile relationship between Members of Service and the citizens they serve. His continued presence in this Department is an affront to the Members of Service who have faithfully served their oaths.

This Tribunal was made aware that Respondent formally resigned from the New York City Police Department after the trial; the recommendation of termination, however, is nonetheless warranted, as the lack of judgment displayed by his flagrant disregard of Department policy would make it impossible for Respondent to continue to be a sworn police officer.

Accordingly, I recommend that Respondent be DISMISSED from this Department.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Paul M. Gamble', written over a horizontal line.

Paul M. Gamble  
Assistant Deputy Commissioner Trials

**APPROVED**

A handwritten signature in dark ink, appearing to read 'Keechant L. Sewell', written over a horizontal line.

DEC 29 2022  
KEECHANT L. SEWELL  
POLICE COMMISSIONER



## POLICE DEPARTMENT CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: SUMMARY OF EMPLOYMENT RECORD  
POLICE OFFICER YUSUF SEZEN  
TAX REGISTRY NO. 935726  
DISCIPLINARY CASE NO. 2020-22447

Respondent was appointed to the Department on July 1, 2004. On his three most recent annual performance evaluations, he was rated “Meets Standards” for 2019, 2020, and 2021. He has been awarded three medals for Meritorious Police Duty and one medal for Excellent Police Duty.

In 2020, Respondent forfeited 20 vacation days after pleading guilty to, upon responding to a radio transmission of a possible attempted child abduction, failing to: prepare a complaint report worksheet, conduct a proper investigation, call for a patrol supervisor, exit his RMP while interviewing a witness and provide a prompt and timely disposition from the scene of the assignment.

Respondent was placed on Level 1 Discipline Monitoring in connection with the above-referenced matter in May 2018; that monitoring was upgraded to Level 2 Discipline Monitoring in January 2020.

For your consideration.

Paul M. Gamble  
Assistant Deputy Commissioner Trials